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Attorneys for Defendants  
American Qualified Plans, Inc.; Todd Henry; and Gordon Storjohann

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 DKS ASSOCIATES, a California Corporation;  
2 DKS ASSOCIATES EMPLOYEE STOCK  
OWNERSHIP PLAN AND TRUST,

3 Plaintiffs,

4 v.

5 AMERICAN QUALIFIED PLANS, INC.;  
6 TODD HENRY; GORDON STORJOHANN;  
and DOES 1-50, Inclusive,

7 Defendants.

CASE NO. C 10-01187 JCS

**JOINT STIPULATION AND [PROPOSED]  
ORDER CONTINUING INITIAL CASE  
MANAGEMENT CONFERENCE TO  
FEBRUARY 25, 2011**

JUDGE: Honorable Joseph C. Spero

8  
9 Plaintiffs DKS Associates and DKS Associates Employee Stock Ownership Plan and  
10 Trust, and defendants American Qualified Plans, Inc., Todd Henry, and Gordon Storjohann,  
11 through their counsel of record herein, hereby STIPULATE and AGREE as follows:

12 1. On October 21, 2010, the parties participated in a mediation before the Honorable  
13 Ellen S. James (retired). The parties have worked diligently to reach a settlement of this  
14 litigation since that date; however, they have not been successful in agreeing upon the forms of  
15 the Settlement Agreement and Mutual General Release and various financial and other factual  
16 Declarations to date, but appear to be nearing agreement on all aspects of the settlement. If the  
17 parties are successful in agreeing upon the forms of the necessary settlement documents on or  
18 before Wednesday, January 12, 2011, they will file a Joint Stipulation of Dismissal with this  
19 Court on that date and the parties respectfully ask this Court to thereafter take the Initial Case  
20 Management Conference scheduled for Friday, January 14, 2011, off-calendar until this Court  
21 approves the parties' Joint Stipulation of Dismissal.

22 2. If the parties are not successful in agreeing upon the forms of the necessary  
23 settlement documents on or before Wednesday, January 12, 2011, they will not file a Joint  
24 Stipulation of Dismissal with this Court on that date and the parties respectfully request this  
25 Court to thereafter continue the date to file their Joint Case Management Conference Statement,  
26 and make initial disclosures, to January 21, 2011; continue the Initial Case Management  
27 Conference to February 25, 2011; and continue the stay on all discovery and other litigation to  
28

1 January 17, 2011.

2 3. Therefore, the parties STIPULATE, AGREE, AND RESPECTFULLY  
3 REQUEST that this Court continue the dates for their Joint Case Management Conference  
4 Statement to be filed, and initial disclosures made, to January 17, 2011; continue the Initial Case  
5 Management Conference to February 25, 2011; and stay all discovery and other litigation until  
6 January 17, 2011.

7  
8 SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED:

9 DATED: January 7, 2011

JOHANSON BERENSON LLP

11 By:   
12 David R. Johanson  
13 Attorneys for Plaintiff  
DKS Associates

14 DATED: January 7, 2011

STEIKER, FISCHER, EDWARDS & GREENAPPLE, P.C.

16 By:   
17 Margaret P. Steepe  
18 Attorneys for Plaintiff  
DKS Associates Employee Stock Ownership Plan and Trust

19 DATED: January 7, 2011

SEDGWICK, DETERT, MORAN & ARNOLD LLP

21 By:   
22 Dennis G. Rolstad  
23 Attorneys for Defendants  
American Qualified Plans, Inc.; Todd Henry; and Gordon  
24 Storjohann

25 **ORDER**

26 IT IS SO ORDERED that the Initial Case Management Conference scheduled for Friday,  
27 January 14, 2011, is taken off-calendar until this Court approves the parties' Joint Stipulation of  
28

1 Dismissal that they filed on January 12, 2011; or, in the alternative,

2 IT IS SO ORDERED that the parties' Joint Case Management Conference Statement is to  
3 be filed, and initial disclosures made, by January 21, 2011; that the Initial Case Management  
4 Conference is continued from January 14, 2011, to ~~February 25~~ March 4, 2011, at 1:30 p.m.; and that all  
5 discovery and other litigation is stayed until January 17, 2011.

6 DATED: 1/11/11

7  
8 HONORABLE JOSEPH C. SPERO

